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The Court's request is denied in part and granted in part. The pre-trial conference shall take place as scheduled on January 12, 2023. The Court will work around Defendant Balestriere's oral argument on January 25, 2023 in order to ensure he is present for all trial testimony. The parties will discuss the details of the trial schedule at the pre-trial conference.

Dated: December 6, 2022
New York, New York

SO ORDERED


JENNIFER L. ROCHON
United States District Judge

December 6, 2022

VIA ECF

Hon. Jennifer L. Rochon, U.S.D.J.
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007

Re: *Ray v. Balestriere Fariello, et al.*, Case No. 1:18-cv-11211-JLR

Judge Rochon:


I represent Defendant and Counterclaim Plaintiff Balestriere Fariello and Defendant John G. Balestriere (collectively, "BF Parties"). I write to request a two-day adjournment for the start of trial, and that the pre-trial conference be scheduled Monday, January 23 through Wednesday, January 25. I consulted with defense counsel who also consents to this request.

A primary witness for our case, John Balestriere, has an argument scheduled before the Court of Appeals on Wednesday, January 25, at 10:00 am. Both for his preparation in that matter and the time I wish to prepare with him at trial I ask that the trial not take place on the day of his argument.

I ask for the pre-trial conference to be scheduled earlier in the week that the trial begins since I am based in our firm's San Francisco office and will travel to be present for such conference and trial, and presently have an argument in Phoenix, Arizona scheduled for Friday, January 20.

I thank the Court for its attention to this matter.

Respectfully,


Matthew W. Schmidt

cc: Counsel of record (via ECF)